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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EVA MALLEK,

Plaintiff,

v.

19-CV-1513 (KAM) (SJB)

CENLAR FSB,

Defendant.

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ORDER

KIYO A. MATSUMOTO, United States District Judge:

On March 15, 2019, defendant Cenlar FSB ("Defendant") - a financial services company servicing *pro se* plaintiff Eva Mallek's ("Plaintiff") mortgage on property located at 88-20 207th Street in Queens Village, New York - filed a Notice of Removal in a case brought by Plaintiff against it in the Supreme Court of the State of New York, Queens County, under docket number 701301/2019. (ECF No. 1, Notice of Removal.) The complaint alleged "financial abuse of the elderly," obstruction of justice, and civil rights violations.

On March 20, 2019, Defendant filed a letter requesting a pre-motion conference, which set forth its arguments in support of its proposed motion to dismiss. (ECF No. 5, Letter Requesting Pre-Motion Conference.) That same day, Plaintiff "respectfully move[d] this Court to dismiss this case," as Defendant "satisfied the most pressing and critical requests made by the Plaintiff in her summons and complaint." (ECF No.

6, Letter Styled as "Motion to Dismiss.") Defendant consented to Plaintiff's request to discontinue this action, but asked that dismissal be with prejudice. (ECF No. 7, Letter Regarding Consent to Plaintiff's Motion to Discontinue.) On April 3, 2019, the Court granted the parties' request to discontinue this action, dismissed the action without prejudice, and directed that the case be closed. (ECF Docket Order, Apr. 3, 2019.)

On August 26, 2019, Plaintiff filed a document styled as a "Complaint and Request for Permanent Injunction," naming Cenlar FSB and additional defendants. (ECF No. 8, Document Styled as "Complaint and Request for Permanent Injunction.") In light of the fact that the Court had already, on Plaintiff's motion, dismissed this action, the Court, by order dated September 4, 2019, ordered Plaintiff to show cause by October 2, 2019 why she is entitled to reopen this action pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. (ECF No. 9, Order to Show Cause.)

Plaintiff has not shown cause why she is entitled to reopen this action or otherwise responded to the Court's September 4, 2019 Order, and the time for doing so has passed. As Plaintiff has not provided the Court with any grounds for reopening this action pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, and has not responded to the Court's Order, the action remains closed. The Clerk of Court is

respectfully directed to terminate Plaintiff's "Motion for Permanent Injunction," dated August 26, 2019 and filed at Docket Number 8, and to mail a copy of this Order to Plaintiff.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: November 5, 2019
Brooklyn, New York

s/Kiyo A. Matsumoto

Hon. Kiyo A. Matsumoto
United States District Judge